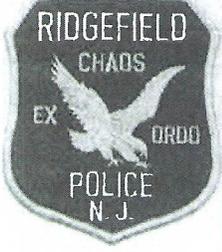
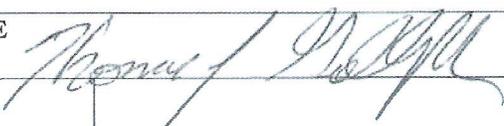


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|  | Ridgefield Police Department | | NUMBER | | |
| | <h1>Policy & Procedure</h1> | | EFFECTIVE DATE December 19, 2018 | | |
| | | | NUMBER OF PAGES 12 | | |
| SUBJECT: Statewide Mandatory Early Warning System | | | | | |
| REFERENCE: Attorney General Law Enforcement Directive No. 2018-3 | | | | | |
| SPECIAL INSTRUCTIONS: | | | | | |
| BY ORDER OF Chief of Police | | SIGNATURE  | | | |
| DISTRIBUTION All Personnel | REEVALUATION DATE <i>(1 year from issue put date in)</i> | | | | |
| REVISIONS | | | | | |
| DATE | PAGE | SECTION | DATE | PAGE | SECTION |
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PURPOSE: The purpose of this policy is a written directive is to establish a personnel early warning system.

POLICY: It is the policy of the Ridgefield Police Department to implement and utilize an early warning system for tracking and reviewing of risk and provide timely intervention consistent with the Attorney General Guidelines. This written directive is in accordance with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

EARLY WARNING SYSTEM

- A. The Early Warning System is designed to detect patterns and trends before the conduct escalates into problems that are more serious. As such, employees must understand that the early warning system is not identical to the disciplinary process. Although it is possible that disciplinary action may be taken as the result of evidence that rules and regulations were violated, this is not the sole or even primary intent of the system. The primary intent of an early warning system is to address potential problems through the use of appropriate management and supervisory strategies before formal discipline is warranted.
- B. Many different measures of employee performance (actions and / or behaviors) can be regularly examined for patterns or practices that may indicate potential problems. These performance measures may include, but are not limited to, the following documented indicators.
1. Internal complaints, whether initiated by another employee or by a member of the public and regardless of the outcome;
 2. Civil Actions filed against an officer, regardless of outcome;
 3. Criminal investigations or complaints made against an employee.
 4. Any use of Force by an officer that is formally determined or adjudicated to have been excessive, unjustified or unreasonable;
 5. Domestic violence investigations in which the employee is an alleged subject;
 6. An arrest of an employee, including on a driving under the influence charge;
 7. Sexual Harassment claims against an employee;
 8. Vehicular collisions involving an officer that are formally determined to have been the fault of the officer.
 9. A positive drug test by an officer;
 10. Cases or arrests by the officer that are rejected or dismissed by a court;
 11. Cases in which evidence obtained by an officer is suppressed by a court;
 12. Insubordination by the officer;
 13. Neglect of Duty by the officer;
 14. Vehicular pursuits;
 15. Unexpected absences or sick time abuses;
 16. Any other indicators, as determined by the agency's chief executive;

- C. Generally, three (3) instances of questionable conduct or performance indicators (as listed in Section B, above) within a 12-month period would initiate the early warning system process.
- D. If one incident triggers multiple performance indicators, the incident shall not be double or triple counted, but instead shall count as only one performance indicator;

II. ADMINISTRATION OF EARLY WARNING SYSTEM

- A. The early warning system is primarily the responsibility of the internal affairs unit; but any supervisor may initiate the early warning process based upon their own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- B. Internal Affairs shall conduct a manual or computerized audit of its records to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct. In addition to the regular data audits by internal affairs, the internal affairs supervisor shall audit an individual employee's history any time a new complaint is received.
 - a. Using this information and their experience, internal affairs investigators may be able to identify employees who may need remedial / corrective intervention even before such is indicated by the early warning system.
- C. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the internal affairs investigator shall consult with the employee's supervisor and/or division commander.
- D. The internal Affairs supervisor and the employee supervisor and/or division commander shall review the information provided by internal affairs along with any other relevant information from department records for the purpose of initiating a course of intervention designed to correct/interrupt the emerging pattern, practice or trend.
 - a. If the audit indicates that the early warning system has returned an incorrect identification or "false Positive," that conclusion should be documented.
 - b. If the audit reveals that an employee has violated department rules and regulations or written directives, the supervisor in consultation with the internal affairs unit should proceed with an internal investigation and possible disciplinary action.
 - c. If the audit reveals that the employee has engaged in conduct that indicates a lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with internal affairs unit to determine the appropriate course of remedial/corrective intervention.
- E. At least every six (6) months, internal affairs personnel shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.

III. SUPERVISORS

- A. An employee's first line supervisor is usually the first member of the department to encounter and document specific incidents that affect an employee. It is essential for the supervisor to speak with the employee, document these incidents and report findings to their division commander and if warranted, the internal affairs supervisor. The success of this program relies heavily on the first line supervisor's participation and involvement.
- B. If a supervisor has initiated remedial/corrective intervention, the internal affairs unit shall be formally notified of such efforts. This information shall be documented and appropriate copies forwarded to the internal affairs unit for filing.
 - i. No entry should be made in the employee's personal file, unless the action results in disciplinary / corrective action.
- C. Supervisors, who identify deficiencies with other personnel outside of their chain of command, will submit the nature of the performance deficiency directly to the employee involved. Supervisors within the chain of command will, by default, have access to the newly created documentation.
 - i. This process does not relieve the documenting supervisors of the obligation to take immediate action to correct serious infractions that may result in liability, injury, and/or disrepute.
- D. If the remedial / corrective intervention was training, documentation shall be filed in accordance with the departments written directive governing training (remedial Training)
- E. Supervisors, who identify and wish to document positive performance conduct on other personnel outside of their chain of command, will submit the nature of the performance deficiency directly to the employee involved. Supervisors within the chain of command will, by default, have access to the newly created documentation
- F. Supervisors shall forward all documentation as required by department written directives established to assist in a comprehensive audit. The data shall minimally include: **use of force, vehicle pursuit reports, and attendance records.**

IV. DIVISION COMMANDERS / COMMAND PERSONNEL / PATROL LIEUTENANTS

- A. In addition to the regular data audit conducted by internal affairs, the division commanders / Patrol Lieutenants shall periodically audit an individual employee's history. Using this information and their experience, the division commanders / Patrol Lieutenants may be able to identify employees who may need remedial / corrective intervention even before such is indicated by the early warning system data audit.
- B. When under early warning system monitoring, the employee's division commander / patrol lieutenant and supervisor shall meet with the employee to discuss the situation in depth to:
 - a. Identify problems or potential problems:
 - b. Determine short and long term goals for improvement:
 - c. Come to a consensus commitment on a plan for long term improved performance:

- d. Advise of the monitoring process and the repercussions of future sustained transgressions
- C. Generally, personnel should expect to remain under intensive monitoring and supervision for at least three (3) months when an early warning flag is triggered or until the supervisor concludes that the employee's behavior has been remediated (whichever is longer)
- D. Supervisor/Employee Meeting
 - a. All supervisors / employee meetings shall be thoroughly documented, which will be forwarded to the Chief of Police or his designee. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
 - b. All regular monthly progress/status reports shall be submitted to the Chief of Police or his/her designee through the chain of command.
 - c. An additional six (6) months of documented monitoring is required following removal from the early warning system. Monthly monitoring reports from the direct supervisor are required.
- E. Any statement made by the officer in connection with the early warning system review process may not be used against them in any disciplinary or other proceeding.

V. REMEDIAL / CORRECTIVE INTERVENTION

- A. Supervisory or Command personnel may initiate remedial / corrective intervention to correct behavior. Remedial / Corrective intervention may include, but is not limited to :
 - a. Training;
 - b. Retraining;
 - c. Counseling;
 - d. Intensive Supervision;
 - e. Fitness for duty examination;
 - f. Employee Assistance Program, when warranted, if available;
 - g. Peer Counseling.
- B. Internal Disciplinary Action, remedial / corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- C. When remedial / corrective intervention has been undertaken, the Chief of Police shall ensure that such actions are documented in writing. No entry should be made in the employee's personnel file, unless the action results in a sustained investigation. If the remedial / corrective intervention is a training program, attendance and successful completion of that program should be noted in the employee's training records.
- D. All Reports shall be forwarded to the Chief of Police for review. These reports have the same confidential status as Internal Affairs documents and are subject to the same disclosure and retention regulations and guidelines.

VI. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

- A. If any officer, who is or has been subject to an Early Warning System review process applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the Early Warning System review process, it is the responsibility of the prior or current employing law enforcement agency to notify the subsequent employing law enforcement agency of the officer's Early Warning System review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's Early Warning System review process files with the subsequent employing agency.

VII. NOTIFICATION TO COUNTY PROSECUTOR

- A. Upon initiation of the Early Warning System review process, the Chief of Police or a designee shall make a confidential written notification to the proper member of the Bergen County Prosecutors Office CIU Unit. The notice shall identify the subject officer, the nature of the triggering performance indicators, and the planned remedial program. Upon completion of the Early Warning System review process, the Chief of Police shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome of the Early Warning System review, including any remedial measures taken on behalf of the subject officer.
- B. On January 5th of the calendar year, the Chief of Police or a designee shall report, in writing, to the Bergen County Prosecutors Office the total number of Early Warning reviews that were undertaken for the previous year.

VIII. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The Early Warning System policy shall be made available to the public upon request and shall be posted on the agency website. However, all written reports created or submitted that identify specific officers are confidential and are not subject to public disclosure.



State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
PO BOX 080
TRENTON, NJ 08625-0080

PHILIP D. MURPHY
Governor

GURBIR S. GREWAL
Attorney General

SHEILA Y. OLIVER
Lt. Governor

ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2018-3

TO: All Law Enforcement Chief Executives
FROM: Gurbir S. Grewal, Attorney General
DATE: March 20, 2018
SUBJECT: **Statewide Mandatory Early Warning Systems**

I. Background

An Early Warning System (“EW System”) is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective EW System can assist a law enforcement agency in identifying and remediating problematic officer conduct that poses a potential risk to the public, to the agency, and to the officer. EW Systems, therefore, serve to not only increase public safety and public confidence in law enforcement, but also to assist officers through early intervention. Indeed, many law enforcement agencies throughout the State have recognized the utility of such systems and some County Prosecutors already require agencies within their jurisdictions to use them. For all of these reasons, this Directive now mandates that all law enforcement agencies in New Jersey adopt and implement EW Systems consistent with the requirements set forth below.

Accordingly, pursuant to the authority granted to me under the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 to -117, which provides for the general supervision of criminal justice by the Attorney General as chief law enforcement officer of the State to secure the benefits of a uniform and efficient enforcement of the criminal law and the administration of criminal justice throughout the State, I, Gurbir S. Grewal, hereby DIRECT all law enforcement and prosecuting agencies operating under the authority of the laws of the State of New Jersey to implement and comply with the following policies, procedures, standards, and practices.



II. Implementation

A. Applicability

This Directive shall apply to all state, county, and municipal law enforcement agencies and sworn officers who are responsible for enforcing the criminal laws in New Jersey, come under the jurisdiction of the Police Training Act, and are authorized to carry a firearm under N.J.S.A. 2C:39-6.

B. Establishment of EW System Policy

All state, county, and municipal law enforcement agencies shall adopt and/or revise their existing EW System policies, consistent with this Directive, either by rule, regulation, or standard operating procedure (“SOP”), as required by state law.

C. Selection of Performance Indicators

An EW System may monitor many different categories of officer conduct which indicate potentially escalating risk of harm to the public, the agency, and/or the officer. The following performance indicators shall be included in all EW Systems, but also can be supplemented based upon the unique characteristics of the department and the community it serves. The chief executive of the department shall determine any such supplemental performance indicators. To the extent possible, supplemental performance indicators should be objectively measurable and reasonably related to potentially escalating harmful behavior by the officer.

1. Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;
2. Civil actions filed against the officer;
3. Criminal investigations of or criminal complaints against the officer;¹
4. Any use of force by the officer that is formally determined or adjudicated (for example, by internal affairs or a grand jury) to have been excessive, unjustified, or unreasonable;
5. Domestic violence investigations in which the officer is an alleged subject;
6. An arrest of the officer, including on a driving under the influence charge;
7. Sexual harassment claims against the officer;
8. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
9. A positive drug test by the officer;
10. Cases or arrests by the officer that are rejected or dismissed by a court;
11. Cases in which evidence obtained by an officer is suppressed by a court;
12. Insubordination by the officer;
13. Neglect of duty by the officer;

¹ If EW System notification to the officer could jeopardize an ongoing criminal investigation, the County Prosecutor may in his or her discretion permit delayed notification to the officer or delayed initiation of the EW System review process.

14. Unexcused absences by the officer; and
15. Any other indicators, as determined by the agency's chief executive.

D. Initiation of Early Warning Process

At a minimum, an agency's EW System policy shall provide that three separate instances of performance indicators (as listed in Section C, above) within any twelve-month period will trigger the EW System review process. If one incident triggers multiple performance indicators, that incident shall not be double- or triple-counted, but instead shall count as only one performance indicator. The agency's chief executive may in his or her discretion determine that a lower number of performance indicators within a twelve-month period (i.e., one or two performance indicators) will trigger the EW System review process.

E. Administration and Tracking

The agency's chief executive shall assign personnel to conduct the EW System function. Typically, the EW System should be administered by the agency's internal affairs unit. Supervisory officers in the subject officer's chain of command also should be directly involved in any EW System review process.

Every department shall adopt a tracking system to enable the department to identify officers who display the requisite number of performance indicators necessary to trigger the EW System review process. Many departments in New Jersey have adopted automated systems that are capable of flagging emerging behavioral patterns. At least every six months, personnel assigned to manage the EW System shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.

F. Remedial/Corrective Action

Once an officer has displayed the requisite number of performance indicators necessary to trigger the EW System review process (as set forth in Section II.C, above) assigned supervisory personnel shall initiate remedial action to address the officer's behavior.

When an EW System review process is initiated, personnel assigned to oversee the EW System should (1) formally notify the subject officer, in writing; (2) conference with the subject officer and appropriate supervisory personnel; (3) develop and administer a remedial program including the appropriate remedial/corrective actions listed below; (4) continue to monitor the subject officer for at least three months, or until the supervisor concludes that the officer's behavior has been remediated (whichever is longer); (5) document and report findings to the appropriate supervisory personnel and, if warranted, the internal affairs unit. Any statement made by the subject officer in connection with the EW System review process may not be used against the subject officer in any disciplinary or other proceeding.

Remedial/corrective action may include but is not limited to the following:

1. Training or re-training;

2. Counseling;
3. Intensive supervision;
4. Fitness-for-duty examination;
5. Employee Assistance Program (EAP) referral; and
6. Any other appropriate remedial or corrective action.²

G. Notification to Subsequent Law Enforcement Employer

If any officer who is or has been subject to an EW System review process applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the EW System review process, it is the responsibility of the prior or current employing law enforcement agency to notify the subsequent employing law enforcement agency of the officer's EW System review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's EW System review process files with the subsequent employing agency.

H. Notification to County Prosecutor

Upon initiation of the EW System review process, the agency's chief executive or a designee shall make a confidential written notification to the County Prosecutor or his/her designee of the identity of the subject officer, the nature of the triggering performance indicators, and the planned remedial program. Upon completion of the EW System review process, the agency's chief executive shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome of the EW System review, including any remedial measures taken on behalf of the subject officer.

I. Annual Report to Attorney General

By January 31st of each year, each County Prosecutor shall submit a report to the Attorney General, through the Division of Criminal Justice's Prosecutors' Supervision and Training Bureau. This summary shall include a statement indicating those agencies under the County Prosecutor's supervision that are in compliance with this Directive and those that are not.

III. Public Accessibility and Confidentiality

All EW System policies adopted by law enforcement agencies shall be made available to the public upon request and shall be posted on the agency's website. Annual reports from the

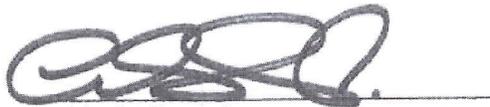
² This Directive, and EW Systems generally, are focused on corrective actions to remediate officer behavior and to provide assistance to the officer. This Directive, and EW Systems generally, do not address disciplinary actions that might be warranted against an officer. Such disciplinary actions – to include the decision to suspend, terminate or, if applicable, charge an officer with criminal conduct – remain within the purview of the agency's internal affairs function, and may be imposed in accordance with existing internal affairs guidelines and applicable law, separate from and independent of the EW System.

County Prosecutors to the Attorney General (as required by Section II.I, above) also shall be made available to the public upon request and shall be posted on the agency's website.

All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and not subject to public disclosure.

IV. Effective Date

This Directive shall take effect immediately upon issuance. All EW System policies shall be adopted and/or revised in accordance with this Directive within 60 days.



Gurbir S. Grewal
Attorney General

ATTEST:

Elie Honig
Director, Division of Criminal Justice
Issued on: March 20, 2018



DENNIS CALO
Acting Bergen County Prosecutor

Office of the County Prosecutor

THOMAS S. MCGUIRE
Acting First Assistant Prosecutor

County of Bergen

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ROBERT ANZILOTTI
Chief of Detectives

December 10, 2018

Chief Thomas Gallagher
Ridgefield Police Department
604 Broad Avenue
Ridgefield, NJ 07657

Re: Notice of Compliance with Attorney General Directive 2018-3

Dear Chief Gallagher:

On March 20, 2018, the Office of the Attorney General published Directive 2018-3 ("Directive"), which instituted a statewide mandatory Early Warning System ("EW"). The Directive:

- Requires all state, county and municipal law enforcement agencies to adopt or revise their EW policies by rule, regulation, or standard operating procedure ("SOP") to be consistent with the Directive;
- Requires law enforcement agencies to monitor their officers for a series of listed "performance indicators". If an officer receives three or more of these performance indicators within a twelve month period, that officer must be placed on the department's EW system;
- Requires a law enforcement agency to notify the Bergen County Prosecutor's Office ("BCPO") in writing for both: (1) placing an officer on its EW systems, and (2) upon completion of that officer's EW review period.
- Requires each law enforcement agency to post its EW system on the department's website and to make that policy available upon request.



A State Accredited and Nationally Recognized Law Enforcement Agency